

From: [Rusty Swafford - NOAA Federal](#)
To: sjones@galvbay.org
Cc: [Walters, Donn](#); [Miller, Gary](#); [Leos, Valmichael](#); [Beauchamp, Richard \(DSHS\)](#); Tina.walker@dshs.state.tx.us; crystal.taylor@tceq.texas.gov; [Stephen Ellis](#); [Linda Broach](#); Rachel.Powers@h-gac.com; [Jennifer Ronk](#); [Garry McMahan](#); [Stokes, Bob](#); [Dobberstine, James](#); [Linda Shead](#)
Subject: Re: Information on the sand mining operation adjacent to SJRWP and beneficial use of its non-commercial materials
Date: Monday, March 04, 2013 2:47:29 PM

Scott,

We have no record of SWG -2007-01865. Our last correspondence on this was a letter from the COE on Jan. 2, 2003 responding to our March 2, 2000 EFH Conservation Recommendations regarding the 9-acre mitigation plan. The COE's letter stated the applicant, Houston International Terminals, was responsible to construct a 9-acre mitigation site. The last paragraph on page 2 of the COE's letter states: "The mitigation plan also removes the Galveston Bay Foundation (GBF) from all aspects of the mitigation plan. Due to lack of a contract and the management changes in the GBF, both parties have agreed to remove GBF from the project plans. As a result, the applicant will not be required to place the 9.0 acre mitigation site in a conservation easement and deed the property to GBF as a wetland nursery." The letter was signed by Don Nanniga, Chief, Evaluation Section.

I hope this helps

Rusty

On Mon, Mar 4, 2013 at 1:48 PM, Scott Jones <sjones@galvbay.org> wrote:

Hello All-

I have found some interested information in our old Wetland Permit Review files related to the sand mining operation adjacent to the SJRWP. This may or may not be new information to you, but it was to me.

Hat tip to Garry McMahan for asking me a week or so ago if GBF had been involved in any mitigation related to the sand mining operation and to Stephen Ellis of TCEQ Superfund providing me with the old Corps permit numbers for the operation last Friday. The latter allowed me to find this info.

Based on the information we have in our files, here's the bottom line.

1. The Corps permit applicant and subsequent permit holder for the sand mining operation was Houston International Terminal (HIS). The old Corps permit number was 19284 that was issued in 1992. The timeline that Stephen Ellis provided to me (see attached) shows that the permit had a series of extensions/modifications. The new permit number is SWG-2007-01865.



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2. GBF was apparently contacted by the applicant about being involved with the mitigation or perhaps mentioned by the applicant as a party to the mitigation. See *attached file named "corps permit 19284 correspondence" for these three following letters...* See attached letter dated March 9, 2000 to Captain Jack Roberts of HIS notifying him that GBF had not heard from him since March 1996 about our potential involvement in the mitigation. See also attached letter dated March 9, 2000 to Kerry Stanley of the Corps about the fact that as far as GBF was aware, only a conceptual design was developed and that GBF had no agreement from then about planting marsh or a conservation agreement. Finally, see attached letter dated March 2, 2000 from NMFS (contact person Rusty Swafford) to the Corps about the lack of communication from the applicant to GBF, let alone any formal agreement or conservation easement. According to the account in the NMFS letter, GBF had expressed interest in 1992 in assisting the applicant in developing better mitigation plans than what was proposed in the application. NMFS expressed numerous concerns about the mitigation plan.

3. Our March 2000 letter to Kerry Stanley states that HIS would use the non-commercial discharge for beneficial use for wetland creation. A subsequent mitigation plan sent to GBF by Ryan Fordyce of the Corps in December 2002 shows that HIS was going to use the non-commercial discharge (described by the applicant as "unwanted material") to create a 9-acre wetland. See attached. The drawings indicate to me that the wetland is between what is now the SJRWP site and the River Fleet property. See attached.

4. GBF's e-mail reply to Fordyce on December 18, 2002 indicates that GBF had no involvement with the project other than originally objecting to the application but then having no further objections to it based on a new mitigation plan. I have nothing other than what you see referred to in number 3 above, but I cannot be certain if it is the mitigation plan to which Jim Dobberstine commented. Only reason for sharing this with you is so the record is complete...

5. I assume that the wetland I have seen between the current SJRWP site and the River Fleet operation is the created 9-acre wetland, but there is also a related permit: 23418 for Leroy Stanley. See attached. As you can see, Stanley proposed to dredge his barge fleeting property on the other side of I-10 adjacent to Market Street and use spoil beneficially by adding another 4-acres of wetlands to HIS' 9-acre mitigation. Also note that FWS comment letter speaks to the fact that the wetland that was supposed to have been created for 19284 either deteriorated or was never completed in the first place.

Please correct me if any of my review of this issue appears incomplete/incorrect as I want to be sure we all have the most accurate information. I do not have any further electronic or hard copy files other than the attached items. I have not yet contacted or visited the Corps to review the hard copy files as I suspect EPA will do so if they have not already done so.

Again, this may not be earth shattering to some of you, but I wonder if it will shed a little light on the public's accounting of the site history and reduce some level of concern should the testing of sediment in the wetland indicate dioxin concentrations below which there is a cause for alarm.

Thanks-

Scott

Scott A. Jones

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